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Report of the Secretary-General on the United Nations Mission of Observers in Prevlaka

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1437 (2002) of 11 October 2002 by which the Council authorized a last extension of the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP) until 15 December 2002 and requested me to report on the completion of the mandate. This final report provides an update of developments since my report of 2 October 2002 (S/2002/1101) and a brief overview of United Nations involvement in Prevlaka since 1992.

II. Progress towards a negotiated settlement

2. Croatia and the Federal Republic of Yugoslavia have continued bilateral negotiations with a view to concluding an interim agreement providing for the normalization of the situation in Prevlaka. During my recent visit to the region, I urged the parties to conclude their negotiations by the end of November to allow for an orderly handover by the time the mandate of UNMOP expires on 15 December. Both sides have appointed focal points who are to coordinate with the Chief Military Observer and who have separately made preliminary visits to the peninsula recently. On 10 December, the sides signed the Protocol between the Federal Government of the Federal Republic of Yugoslavia and the Government of the Republic of Croatia on the Interim Regime along the Southern Border between the Two States.

III. Situation in the area of responsibility of the Mission

3. The demilitarized zone was respected by both parties and the situation there and in the United Nations-controlled zone remained calm and stable. The long-standing violations of the security regime in the United Nations-controlled zone continued, but did not give rise to security concerns. They involved the presence and patrolling of Croatian and Montenegrin police and the continued operation by Croatia and Montenegro of checkpoints established in the zone in 1999 for the purpose of implementing a crossing regime. The Croatian and Montenegrin authorities continued to permit civilians to enter the zone for tourism, recreation and

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subsistence purposes. As in the past, small fishing or pleasure craft entered the waters of the zone from both sides.

4. In view of the prevailing peaceful conditions in the area and the scheduled withdrawal of UNMOP, the Mission closed the team sites at Gruda and Herceg Novi in November. It continued to maintain its 24-hour presence at the team site on the Ostra peninsula and at the headquarters at Cavtat (see attached map). Cooperation between UNMOP and the multinational Stabilization Force (SFOR) was maintained through periodic meetings.

IV. The United Nations on Prevlaka

5. During the decade of United Nations engagement on the Prevlaka peninsula, the dispute was mostly overshadowed by the larger conflicts in the region. The military observers of the United Nations Protection Force (UNPROFOR), assigned to the Prevlaka peninsula on 20 October 1992 under the authorization of Security Council resolution 779 (1992), carried out their mandate against the backdrop of the conflict in Bosnia and Herzegovina (1992-1995). Efforts during that time to draw the parties into negotiations were not successful.

6. During the period 1996-1998, the parties focused mainly on the situation in Eastern Slavonia (Croatia) and despite the provision for a negotiated settlement of the Prevlaka dispute in the Agreement on Normalization of Relations signed by Croatia and the Federal Republic of Yugoslavia on 23 August 1996 (S/1996/744), no progress was made. It was during this period, in 1996, that UNMOP was established as an independent mission.

7. It was only after the conclusion of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium that the parties were able to begin a round of direct negotiations on Prevlaka in 1998. This initial dialogue, comprising four meetings alternately in Zagreb and Belgrade, was suspended with the commencement of military action against the Federal Republic of Yugoslavia in March 1999 by the North Atlantic Treaty Organization (NATO).

8. In October 1999, at the request of the Security Council (resolution 1252 (1999)), I presented a package of confidence-building measures to the parties. Although the measures were considered workable by the United Nations, neither of the parties were willing to accept the package in its entirety.

9. The absence of major conflict in the region and the change in government in both Croatia and the Federal Republic of Yugoslavia in 2000 created more favourable conditions for progress on the Prevlaka issue. A process of consultation between the two sides led to the formation in December 2001 of a joint Interstate Diplomatic Commission tasked with resolving the outstanding border disputes between the two States. During 2002, the Commission and its constituent subcommissions met continually in an effort to develop a common agenda for resolving the Prevlaka dispute. By April 2002, both sides had reached the stage where they were able to report in a joint letter to the President of the Security Council that they were negotiating, in good faith and in an atmosphere of mutual confidence and respect, a comprehensive cross-border regime which "would eventually contribute to the successful ending of the United Nations Mission of Observers in Prevlaka" (S/2002/368).

V. Observations

10. I welcome the Protocol signed by the Federal Republic of Yugoslavia and Croatia on 10 December. It is obvious that the parties have advanced sufficiently in their bilateral relations so that an international monitoring mechanism is no longer required. The situation is quiet, demilitarization is not in question and it is generally understood that there is no risk of renewed hostilities. Given the presence of mines, unexploded ordnance and ammunition in the area of handover, which requires careful handling, it is my intention to keep a small core staff for a few days beyond 15 December, but not to stay beyond 31 December 2002, to ensure that the handover is conducted in a safe and orderly fashion.

11. The responsibility for settling this dispute rests with Croatia and the Federal Republic of Yugoslavia. I trust that they will build on the achievements of the United Nations in the interest of both countries. The gradual restoration of normal life between these two formerly warring parties provides hope that stability and peaceful coexistence can and should be their common future.

12. Throughout a turbulent decade in the Balkans, UNMOP contributed to insulating Prevlaka from the surrounding conflicts and tensions and ensured that hostilities nearby did not create instability on the peninsula. It demonstrated that even a small United Nations presence, properly conceived and executed, can make a difference.

13. In conclusion, I wish to pay tribute to the Chief Military Observer of UNMOP, Colonel Mujica, to his predecessors and to the military and civilian staff who have served the United Nations on Prevlaka since 1992. I thank them all for their contribution to the cause of peace.

Map 4137 Rev. 6 United Nations
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